

EXHIBIT A



Onoh-Eh-Eta Ogale XI

March 23, 2012

Messrs Benjamin Whitfield Jr., and
Kayode Oladele,
Benjamin Whitfield Jr., & Associates PC
Juris International
547 East Jefferson,
Detroit, Michigan 48226

Dear Sirs:

**RE: 2:1 l-cv-14572-GCS-MAR - Emere Bebe Okpaby et al –v- Royal Dutch
Shell Plc et al.**

NOTICE OF DISCONTINUANCE

Please allow this letter to acknowledge receipt of your recent status report on the above captioned matter. According to your report, The Supreme Court's decision to order new briefing in KIOBEL, ESTHER, ET AL. V. ROYAL DUTCH PETROLEUM, ET AL *Kiobel* will result in greater delay than first anticipated by the parties. According to you, the Supreme Court has ordered the parties in Kiobel to brief it on "whether and under what circumstances the Alien Tort Statute, 28 U.S.C. §1350, allows courts to recognize a cause of action for violations of the law of nations occurring within the territory of a sovereign other than the United States."


While a decision in *Kiobel* was originally contemplated in June 2012, it now appears there will be no decision until early 2013. Even if the Eastern District of Michigan assumes personal jurisdiction in our case, the Court may still stay until the Supreme Court give its decision in *Kiobel* because our case is intrinsically connected with *Kiobel* on subject-matter jurisdiction of the Court in relation to our Alien Tort Statute claims against Shell. As a result, our case may sit idly on the Court's docket for the greater part of this year and early next.

One of the reasons why we (the Plaintiffs on behalf of the Ogale community) elected to pursue our litigation against Shell in the United States is to facilitate speedy trial/quick adjudication of our claims and avoid the matter from excessive delays which unfortunately, is one of the characteristics of the Nigerian Legal system. However, because the U.S Supreme Court in its wisdom has called for re-briefing and re-argument in *Kiobel*, it is our belief that this action will surely impact our case and cause unanticipated delays. Unfortunately, while these delays are in force, Shell will continue to cause further and continuing damage to our community, the ecosystem and coastal waters and trample upon our rights with impunity and disdain.

Therefore, based on this unanticipated development in *Kiobel*, we respectfully instruct you to file a NOTICE OF DISCONTINUANCE/WITHDRAWAL of our case from the United States District Court, Eastern District of Michigan while we consider other legal options available to us to push our human rights violation case and other causes of action against Shell.

Please note that your full services are still being retained by the Plaintiffs and these instructions in no way affect our attorney-client relationship.

Sincerely,



MRH Emere Bebe Okpabi
For and on behalf of the Plaintiffs.

CC
MR FEMI FALANA,
(Plaintiffs Foreign Attorney)
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25 Adekunle Fajuyi Road,
GRA, IKEJA, LAGOS
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